

STATE OF NEW JERSEY
Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement
Dkt No. 12-0429-VC

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	
)	
Petitioner,)	ORDER
)	
v.)	
)	
TRUMP PLAZA ASSOCIATES, LLC)	
)	
)	
)	
Respondent.)	
)	

On June 25, 2012, the Division filed a complaint against Trump Plaza Associates, LLC ("Trump Plaza") alleging violations of N.J.S.A. 5:12-103f(2), N.J.A.C. 13:2-23.1(a) and N.J.A.C. 19:50-1.2 and 13:69I-1.39-1.3(e) by allowing an underage individual to consume alcoholic beverages while in its casino hotel facility; and,

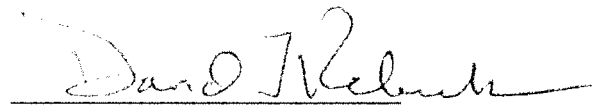
Having considered the relevant provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq. and the regulations promulgated thereunder, specifically N.J.S.A. 5:12-103f(2), N.J.A.C. 13:2-23.1(a) and N.J.A.C. 19:50-1.2; and,

Having considered the Stipulation of Settlement which the parties executed and finding sufficient legal and factual support for the recommended penalty therein.

I further **ORDER** that the settlement between Trump Plaza and the Division be adopted and that a civil penalty in the amount of \$7,500 be imposed upon Trump Plaza, payable upon receipt of an invoice from the Division.

Dated: _____

July 9, 2012

A handwritten signature in black ink, appearing to read "David L. Rebeck", written over a horizontal line.

DAVID L. REBUCK
DIRECTOR

JEFFREY S. CHIESA

Attorney General of New Jersey
Attorney for Complainant
State of New Jersey
Department of Law and Public Safety
Division of Gaming Enforcement
1300 Atlantic Avenue
Atlantic City, New Jersey 08401

By: Robert A. Moncrief Jr.
Deputy Attorney General
609-317-6218

STATE OF NEW JERSEY
DIVISION OF GAMING ENFORCEMENT
DOCKET NO. 12-0429-VC

STATE OF NEW JERSEY, DEPARTMENT)	
OF LAW AND PUBLIC SAFETY,)	
DIVISION OF GAMING ENFORCEMENT,)	
)	
Complainant,)	Civil Action
)	
v.)	STIPULATION
)	OF SETTLEMENT
TRUMP PLAZA ASSOCIATES, LLC)	
)	
)	
)	
Respondent.)	
)	

The matter involved in the above-captioned action, having been discussed by and between the parties involved, Jeffrey S. Chiesa, Attorney General of New Jersey, Department of Law and Public Safety, Division of Gaming Enforcement ("Division"), by Robert A. Moncrief Jr., Deputy Attorney General, and Trump Plaza Associates, LLC, Respondent, by Frederick T. Cunningham, Esq., Vice President Legal

Affairs, and said matter having been resolved, it is hereby consented to and agreed by and between the parties.

PRELIMINARY FACTS

1. Respondent, Trump Plaza Associates ("Plaza") is a New Jersey enterprise having its principal place of business located at Mississippi Ave. and Boardwalk, Atlantic City, New Jersey.
2. Plaza is the holder of a casino license first issued by the Casino Control Commission on or about May 26, 1984. At all times relevant herein, Plaza was authorized to conduct casino gaming within its casino hotel facility.
3. Plaza is the holder of, and operates pursuant to, a Casino Hotel Alcoholic Beverage ("CHAB") license. Said CHAB license was in effect at all times referenced herein and requires that the licensee comply with all applicable regulations and all statutes pertaining to the retail sale of alcoholic beverages.

APPLICABLE LAW

4. N.J.S.A. 5:12-103f(2) provides:

It shall be unlawful for any person issued a Casino Hotel Alcoholic Beverage License to expose, possess, sell, give, dispense, transfer, or otherwise dispose of alcoholic beverages, "other than within the terms and conditions of the Casino Hotel Alcoholic

Beverage License issued, the provisions of Title 33 of the Revised Statutes, the rules and regulations promulgated by the director of the Division of Alcoholic Beverage Control, and, when applicable, the regulations promulgated pursuant to this act.

5. N.J.A.C. 19:50-1.2(a) states, in pertinent part:

"Title 33 of the Revised Statutes and the rules, regulations and bulletins promulgated thereunder by the Director of the Division of Alcoholic Beverage Control shall . . . apply to any premises and to any CHAB licensee."

6. N.J.A.C. 13:2-23.1(a) provides:

No licensee shall sell serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the legal age to purchase or consume alcoholic beverages, or allow, permit or suffer the consumption of any alcoholic beverage by any person in or upon the licensed premises.

ALLEGATION AND ADMISSIONS

7. The Division, by Complaint filed on June 22, 2012, Docket No. 12-0429-VC a copy of which is attached hereto as Exhibit "A", sought sanctions against Plaza for reasons set forth therein and, more specifically that on August 12, 2011 Plaza permitted MS, an underage individual, to consume alcoholic beverages while on its premises while MS was under the legal age to consume alcoholic beverages.

8. Respondent Plaza acknowledges the accuracy of the facts set forth in Paragraph 8, *supra*, and the attached Complaint, and admits that its actions violate

the provisions of N.J.S.A. 5:12-103f(2), N.J.A.C. 19:50-1.2(a), N.J.A.C. 13:2-23.1(a) and N.J.A.C. 13:69I-1.3(e).

PRIOR REGULATORY HISTORY OF LICENSEE

9. Although Plaza has been the subject of various regulatory complaints, it has not been the subject of a complaint alleging violations similar to those alleged in this matter.

CORRECTIVE ACTION OF THE LICENSEE AND MITIGATING FACTORS

10. The employees involved in the incident were terminated (JQ, MS)
11. The 2012 Beach Bar policy for security staff has been revised to prohibit underage off duty employees from using the beach bar.
12. Director of Security, Michael Kerley has issued an email (attached hereto as Exhibit "B") to security management staff reminding them of the importance of enforcing the prohibition on underage drinking.
13. Beach Bar staff have been instructed at orientation meetings on underage drinking laws, acceptable forms of identification and awareness of alcohol consumption.

SETTLEMENT AGREEMENT

IT IS THEREFORE AGREED AND STIPULATED by and between the parties hereto that:

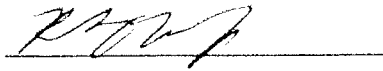
A. The facts stated herein are true and accurate.

B. Respondent Plaza, admits that it violated the provisions of the Act and the regulations promulgated thereunder, specifically N.J.S.A. 5:12-103f(2), N.J.A.C. 19:50-1.2(a), N.J.A.C. 13:2-23.1(a) and N.J.A.C. 13:69I-1.3(e) in that it permitted an underage individual to consume alcoholic beverages while on its premises and while said individual was under the legal age to consume alcoholic beverages and also violated the terms of its CHAB license.

C. For the violations admitted in Paragraphs B, *supra.*, Respondent, Plaza, shall pay to the New Jersey Casino Revenue Fund, as a civil penalty pursuant N.J.S.A. 5:12-129(5), and in recognition of the provisions of N.J.S.A. 5:12-130, the sum of \$7,500;

D. The parties agree that a monetary penalty, in the total amount of \$7,500 is just and equitable and in accordance with the criteria set forth in N.J.S.A. 5:12-130, and shall be in full and final settlement of the allegations set forth in the above-captioned complaint.

The undersigned consent to the form and entry of the above Stipulation.



Dated: 6/25/12

Robert A. Moncrief Jr.
Deputy Attorney General
Attorney for Complainant



Dated: 6/25/12

Frederick T. Cunningham, Esq.
Vice President Legal Affairs
Trump Plaza Associates, LLC.

JEFFREY S. CHIESA

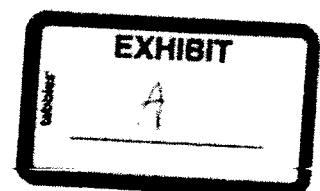
Attorney General of New Jersey
Attorney for Complainant
State of New Jersey
Department of Law and Public Safety
Division of Gaming Enforcement
1300 Atlantic Avenue
Atlantic City, New Jersey 08401

By: Robert A. Moncrief Jr.
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STATE OF NEW JERSEY
DIVISION OF GAMING
ENFORCEMENT
DOCKET NO.: 12-0429-VC

STATE OF NEW JERSEY, DEPARTMENT)	
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DIVISION OF GAMING ENFORCEMENT,)	
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Complainant,)	Civil Action
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v.)	COMPLAINT
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TRUMP PLAZA ASSOCIATES, LLC)	
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Respondent.)	
)	
)	

Complainant, State of New Jersey, Department of Law and Public Safety,
Division of Gaming Enforcement (hereinafter "Division"), located at 1300 Atlantic
Avenue, Atlantic City, New Jersey, 08401 says:



COUNT I
Underage Drinking

1. Respondent, Trump Plaza Associates ("Plaza") is a New Jersey enterprise having its principal place of business located at Mississippi Ave. and Boardwalk, Atlantic City, New Jersey.

2. Plaza is the holder of a casino license first issued by the Casino Control Commission on or about May 26, 1984. At all times relevant herein, Plaza was authorized to conduct casino gaming within its casino hotel facility.

3. Plaza is also the holder of, and operates pursuant to, a Casino Hotel Alcoholic Beverage ("CHAB") license. Said CHAB license was in effect at all times referenced herein and requires that the licensee comply with all applicable regulations and all statutes pertaining to the retail sale of alcoholic beverages.

4. N.J.S.A. 5:12-103f(2) provides:

It shall be unlawful for any person issued a Casino Hotel Alcoholic Beverage License to expose, possess, sell, give, dispense, transfer, or otherwise dispose of alcoholic beverages, "other than within the terms and conditions of the Casino Hotel Alcoholic Beverage License issued, the provisions of Title 33 of the Revised Statutes, the rules and regulations promulgated by the director of the Division of Alcoholic Beverage Control, and, when applicable, the regulations promulgated pursuant to this act.

5. N.J.A.C. 19:50-1.2(a) states, in pertinent part:

"Title 33 of the Revised Statutes and the rules,

regulations and bulletins promulgated thereunder by the Director of the Division of Alcoholic Beverage Control shall . . . apply to any premises and to any CHAB licensee."

6. N.J.A.C. 13:2-23.1(a) provides:

No licensee shall sell serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the legal age to purchase or consume alcoholic beverages, or allow, permit or suffer the consumption of any alcoholic beverage by any person in or upon the licensed premises.

7. MS, 20 years of age, was employed as a security guard at the Plaza beach bar at all times relevant in this complaint, however he was off duty on August 12, 2011.

8. On August 12, 2011, at approximately 12:22 A.M. and according to surveillance coverage, MS approached the entrance to the Plaza beach bar entrance and shook hands with both security officers on duty before entering the beach bar. The officers on duty appear to have checked the identification of all other patrons entering the beach bar however did not appear to check MS's.

9. After the events described in paragraph 8, from 12:55 A.M. and 12:58 A.M. MS is observed conversing with a Plaza security officer while holding what appear to be two alcoholic beverages, one in each hand.

10. After the events described in paragraph 9, from 1:15 A.M. to 1:31 A.M. MS is observed holding what appears to be a pitcher of beer while a Plaza security officer is taking pictures of him with the alleged pitcher of beer in MS's hand.

11. At approximately 1:42 A.M. on August 12, 2011 MS was removed from the beach bar by a Plaza security officer and taken to the security office. At this time the pitcher of alleged beer is confiscated from MS.

12. According to Plaza security incident reports when MS was removed from the beach bar MS was staggering while walking and when interviewed MS was slurring while speaking. Plaza security also noted that when speaking to MS they could smell a strong odor of alcoholic beverage on his breathe.

13. As a result of the information set forth above MS was charged by the New Jersey State Police with Underage Drinking in violation of N.J.S.A. 2C:33-14A.

14. By permitting the service of an alcoholic beverage to MS, who at the time was under the age at which a person can legally be served and consume alcoholic beverages, Plaza violated N.J.S.A. 5:12-103f(2), N.J.A.C. 13:2-23.1(a) and N.J.A.C. 19:50-2.1.

WHEREFORE, Complainant demands the following relief against the Respondent:

A. Judgment that Respondent Plaza violated N.J.S.A. 5:12-103f(2), N.J.A.C. 13:2-23.1(a) and N.J.A.C. 19:50-1.2(a);

B. Judgment imposing against Respondent Plaza a civil monetary penalty pursuant to N.J.S.A. 5:12-129(5); and,

C. Judgment imposing against Plaza such other and further relief as the Director may deem just and appropriate under the circumstances.

COUNT II
Violation of CHAB License

15. Paragraphs 1 through 14 of COUNT I are incorporated by reference as if set forth at length herein.

16. N.J.A.C. 13:69I-1.3(e) provides that:

In issuing a CHAB license or any authorization thereunder, or any permit pursuant to N.J.S.A. 5:12-103 and 33:1-1 et seq., the Division may impose any conditions, limitations and restrictions as it deems necessary and reasonable.

17. On May 27, 2011 the Division issued an order granting Plaza's request for an extension of its CHAB license in order to operate the beach bar referred

to above. A condition of that that order was that "Plaza may serve malt alcoholic beverages in pitchers...at the beach bar and in cabanas to two or more persons who are of legal age to consume alcoholic beverages."

18. According to the surveillance coverage discussed above MS is seen carrying a pitcher of beer and also drinking from the pitcher of without sharing it with other patrons.

19. By serving or allowing MS to possess a pitcher of beer Plaza violated the conditions of its CHAB license and N.J.A.C. 13:69I-1.3(e).

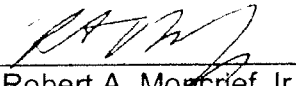
WHEREFORE, Complainant demands the following relief against the Respondent:

A. Judgment that Respondent Plaza violated N.J.A.C. 13:69I-1.3(e);

B. Judgment imposing against Respondent Plaza a civil monetary penalty pursuant to N.J.S.A. 5:12-129(5); and,

C. Judgment imposing against Plaza such other and further relief as the Director may deem just and appropriate under the circumstances.

Respectfully submitted,
JEFFREY S. CHIESA
Attorney General of New Jersey
Attorney for Complainant

By: 
Robert A. Moncrief Jr.
Deputy Attorney General

Dated: 6/25/12